

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS MANWELL DAWSON,
Plaintiff,
v.
JEFF LYNCH, et al.,
Defendants.

No. 2:21-cv-0510 KJM AC P

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On August 19, 2022, the undersigned issued an order screening the complaint and findings and recommendations recommending that plaintiff's motions for a temporary restraining order be denied. ECF No. 22. In screening the complaint, the undersigned found that plaintiff had failed to state any cognizable claims and provided plaintiff the opportunity to file an amended complaint. Id. Plaintiff requested and was granted an extension of time to file objections to the findings and recommendations but did not request an extension of time to file objections to the screening order. ECF Nos. 25, 26. After plaintiff failed to file an amended complaint, he was given another opportunity to do so and cautioned that failure to file an amended complaint would result in a recommendation that this action be dismissed. ECF No. 27. Plaintiff has now filed a response stating that he does not understand what the order means and that he is still within the time to file objections. ECF No. 28.

1 It appears that, in requesting an extension of time to file objections to the findings and
2 recommendations regarding the motions for a temporary restraining order, plaintiff intended to
3 also seek an extension of time to object to (or seek reconsideration by the district judge of) the
4 screening order. The current deadline for filing objections the findings and recommendations is
5 November 4, 2022. In light of plaintiff's clarification, he will be granted an extension of time to
6 file objections to both the screening order and the findings and recommendations. Plaintiff's
7 response to the order directing him to file an amended complaint will also be construed as a
8 motion to extend his deadline to file an amended complaint until after he files objections and
9 those objections are ruled on by the assigned district judge.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff shall have an additional fourteen days, up to November 18, 2022, to file
12 objections to the August 19, 2022 order and findings and recommendations.
- 13 2. Plaintiff's response to the order directing him to file an amended complaint (ECF No.
14 28) is construed as a motion for an extension of time to file an amended complaint and the Clerk
15 of the Court is directed to update the docket accordingly.
- 16 3. Plaintiff's motion for an extension of time to file an amended complaint (ECF No. 28)
17 is GRANTED. The deadline for filing an amended complaint is VACATED and will be re-set
18 accordingly upon the resolution of any objections plaintiff may file to the screening order or his
19 failure to file any such objections within the time permitted.

20 DATED: October 26, 2022

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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